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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,611	08/22/2003	Guy Simon Dawson	37261P087	9810

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EXAMINER

LUONG, VINH

ART UNIT PAPER NUMBER

3682

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,611	DAWSON, GUY SIMON	
	Examiner	Art Unit	
	Vinh T. Luong	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> . |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 10, 2006 has been entered.

2. The replacement drawings were received on July 10, 2005. These drawings are unacceptable because:

(a) The drawings introduce new matter. For example, the current Figs. 2-6 show that the handle member 10 is made of metal in accordance with drawing symbols for draftsperson in MPEP 608.02. However, the original disclosure does not disclose that the handle member 10 is made of metal. The showing of a specific material for the handle within a full spectrum of possible materials is considered under the present disclosure to be new matter; and

(b) Each part of the invention, such as, the blocking portion in claim 10 should be designated by a referential numeral or character.

3. The *original* drawings are objected to because the drawings do not comply with 37 CFR 1.84 for the reasons, *e.g.*, listed below:

(a) The various parts in Fig. 1 should be connected by connecting lines and/or embraced by a bracket in order to show their relationship;

(b) The cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. 37 CFR 1.84(h)(3); and

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(c) Each part of the invention, such as, the blocking portion in claim 10 should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, *e.g.*, "a blocking *portion*" in claim 19. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

5. Claims 10-18 are objected to because of the following informalities: no antecedent basis is seen for the terms, such as, "the *locking* portion" and "the blocking *member*" in claim 10. Appropriate correction is required.

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6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 2-8 and 10-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear which structure(s) define(s) "a blocking portion" in new claim 19. Applicant is respectfully urged to identify each claimed element with reference to the drawings.

It is unclear whether a confusing variety of terms, such as, "a blocking portion," "the locking portion," and "the blocking member" in claim 10/19 refer to the same or different things. See MPEP § 608.01(o). Applicant is respectfully urged to identify each claimed element with reference to the drawings.

8. Claims 2-4, 7, 8 and 10-19, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US Patent No. 6,450,063 B1).

Regarding claim 19, Yamaguchi teaches a handle comprising:

a handle member 17,

a base 15 engaged within the handle member 17 and pivotably coupled to the handle member 17 such that the handle member 17 is able to pivot relative to the base 15 between a first position corresponding to an in-use position of the handle member and a second position corresponding to a non-use position. *Ibid.* col. 5, lines 55-67;

a locking mechanism 18 which prevents the handle 17 from moving to the second position upon a force to cause the handle 17 to move to the second position

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being applied to the handle member 17, the locking mechanism including a locking member 18 slidably engaged through the handle member 17 and able to move between a locking position and a release position (Figs. 1-22), the locking member 18 being coupled to a push button 18 located at an exterior surface of the handle member 17, the locking mechanism having a blocking portion 18b, 18a₂ (Fig. 4), 18f (Fig. 8A-8C), *etc.* located within the handle 17 and positioned between and in contact with opposed surfaces, *e.g.*, at 18b in Fig. 4 of the handle member 17 and 15c, 15b (Fig. 4), 15f (Figs. 8A-8C), *etc.* of the base 15 to thereby block any pivoting of the handle member 17 from the first position,

whereby a pushing action applied to the push button 18 causes the locking mechanism to move to the release position to remove the blocking action of the blocking portion 18b, 18a₂ (Fig. 4), 18f (Fig. 8A-8C), *etc.* See Yamaguchi's claims 1-16.

Regarding claim 2, the push button 18 includes a head 18c slidably located in a recess (see Attachment) in the handle member 17.

Regarding claim 3, the peripheral shape of the recess (Att.) substantially corresponds to a peripheral shape of the button 18.

Regarding claim 4, the locking member 18 is biased into said locking position by a biasing mechanism 25.

Regarding claim 7, a stop 18a₂ prevents movement of the locking member 18 under action of the biasing mechanism 25 from moving beyond the locking position.

Ibid., col. 6, lines 19-47.

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Regarding claim 8, the stop 18a₂ is a lip 18a₂ projecting from the locking member 25 and engaged with an engagement surface (at 18b in Fig. 4) of the handle member 17 when the handle 17 is in the first position (Fig. 8A).

Regarding claim 10, the locking member 18 includes a profiled portion 18a₁ (Fig. 5), 18e (Fig. 8C), etc. which provides a clearance (Att.) between the locking portion and the pivot base 15 when the locking member 18 is in the release position (Fig. 8C).

Regarding claim 11, the profiled portion 18a₁ (Fig. 5), 18e (Fig. 8C), etc. includes a contact surface 18a₁ (Fig. 5), 18e (Fig. 8C), which contacts a profiled surface 15b of the pivot base 15 during movement of the handle 17 between the first and second positions.

Regarding claim 12, see regarding claims 2 and 3 above.

Regarding claim 13, the recess (Att.) includes a contact surface (Att.), which is contacted by the head 18c when the locking member 18 is in the release position.

Regarding claim 14, see regarding claim 4 above.

Regarding claim 15, the biasing mechanism is a spring 25 located between the locking member 18 and the handle member 17.

Regarding claims 16 and 17, see regarding claims 7 and 8 above.

Regarding claim 18, the lip 18a₂ projects from the blocking portion 18b, 18a₂ (Fig. 4), 18f (Fig. 8A-8C), etc. The engagement surface (Att., Fig. 4) is formed by a wall in the handle member 17. The wall (Att.) further forms a second engagement surface (Att., Fig. 5). The blocking portion 18b, 18a₂ (Fig. 4), 18f (Fig. 8A-8C), etc. of the locking member 18 is located between second engagement surface (Att., Fig. 5) and a surface 15b of the pivot base 15 to create the blocking action.

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9. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kaneko (push button 6), Lee (push button 46), Hirano (push button 10, 12), and Takeuchi (push button 15).
12. Applicant's arguments filed July 10, 2006 have been fully considered but they are not persuasive.

Drawings

With respect to Fig. 1, the replacement drawings filed on November 10, 2005 were not accepted by the Examiner as seen in the Office action on January 5, 2006. Thus, Fig. 1 is still objected to.

In addition, the replacement drawings filed on July 10, 2006 introduce new matter similarly to the ones filed on November 10, 2005. For example, the replacement drawings show that the handle is made of metal. The original disclosure does not convey the concept that the handle 10 is made of metal. Thus, the replacement drawings introduce new matter. See *In re Anderson*, 176 USPQ 331 (CCPA 1973). If Applicant specifically points out the line(s) and page(s) of the original disclosure wherein the Applicant disclosed that the handle is made of metal, the replacement drawings would be accepted as no new matter.

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35 USC 112

Claims 2-19 are indefinite since it is unclear which structure(s) define(s) the new claimed element "a blocking portion" in claim 19. See MPEP 608.01(o). Upon receiving Applicant's amendment to clarify the structure(s) of the blocking portion, the rejection under 35 USC 112, second paragraph, would be withdrawn.

ART REJECTION

The rejections based on Vetter and Harvey et al. are withdrawn in view of new claim 19. Applicant's arguments with respect to claims 2-8 and 10-19 have been considered but are moot in view of the new ground(s) of rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109.

The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

July 20, 2006



Vinh T. Luong
Primary Examiner

ATTACHMENT

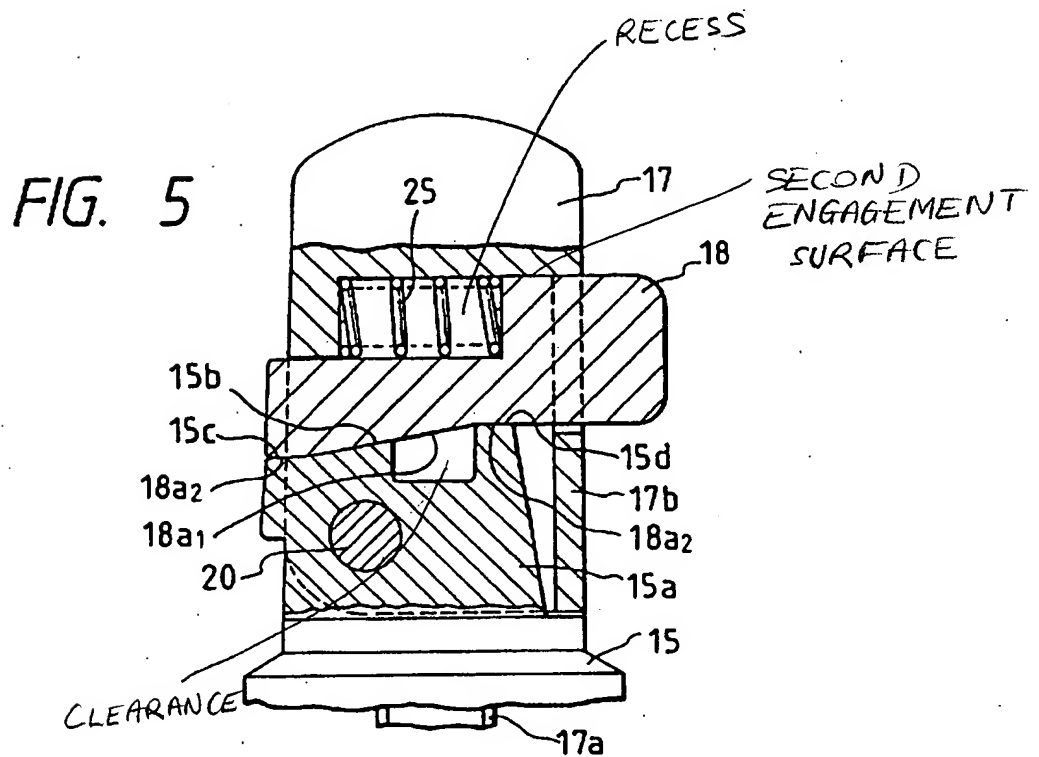
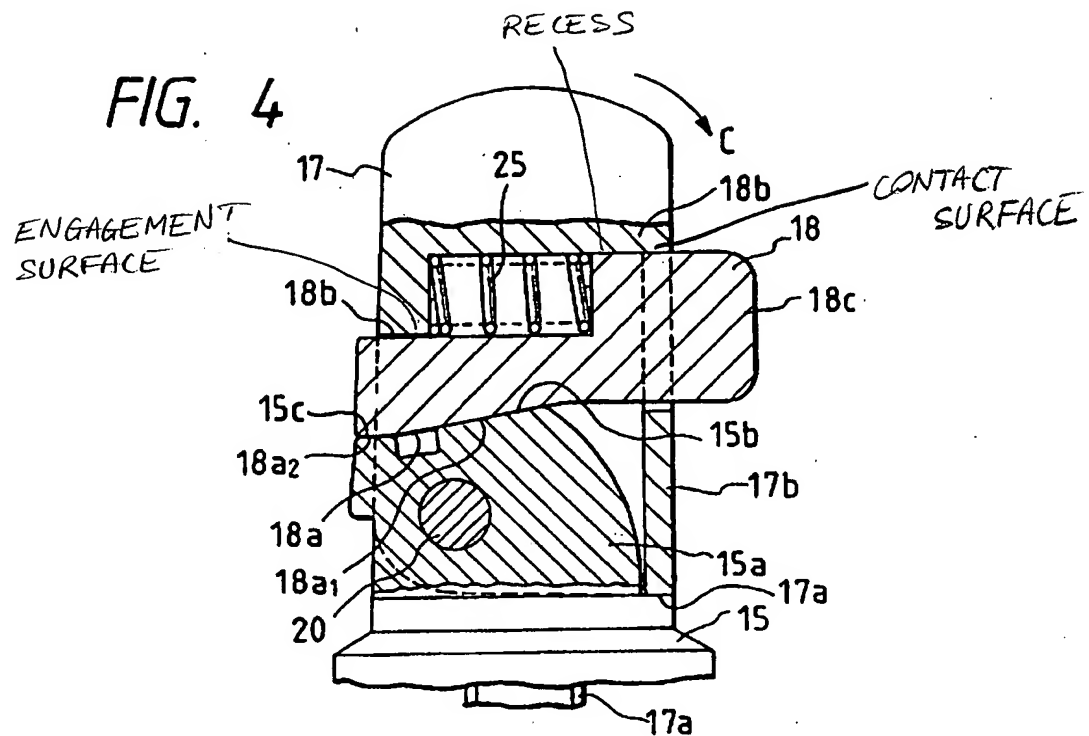


FIG. 8A

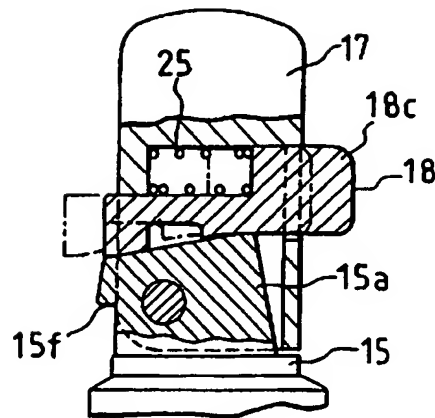


FIG. 8B

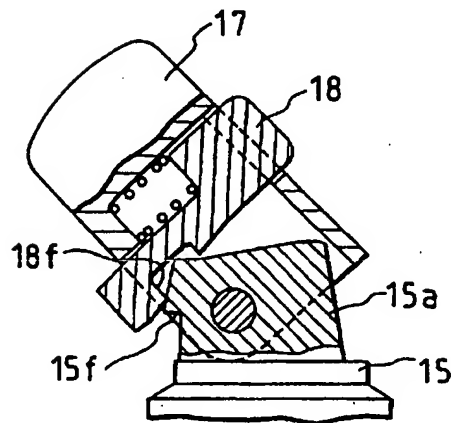


FIG. 8C

